

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOANNE WARWICK,

Plaintiff,

v.

Civil Case No. 19-12429  
Honorable Linda V. Parker

CITY OF DETROIT, ET AL.,

Defendants.

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**OPINION AND ORDER REJECTING PLAINTIFF’S OBJECTIONS (ECF  
NO. 52) TO MAGISTRATE JUDGE STAFFORD’S ORDER (ECF NO. 47)  
AND AFFIRMING ORDER**

This matter is presently before the Court on Plaintiff’s objections to Magistrate Judge Elizabeth A. Stafford’s decision denying Plaintiff’s motion for reconsideration of an earlier decision denying Plaintiff’s motion to extend discovery. Plaintiff sought to extend the July 28, 2021 deadline to complete discovery. In a November 17, 2021 decision, Magistrate Judge Stafford concluded that Plaintiff failed to show good cause for her request—which was filed two months after the discovery deadline passed—and that the extension would prejudice Defendants. On December 7, 2021, Magistrate Judge Stafford denied Plaintiff’s late-filed motion for reconsideration, in which Plaintiff claimed she had been unable to engage in discovery due to mental illness, concluding that Plaintiff failed to identify a change in the law, clear error, or new evidence justifying

reconsideration. Moreover, Magistrate Judge Stafford found Plaintiff's claims not credible based on her ability to file motions, amend her pleadings, and move for reconsideration and file supporting exhibits.

Plaintiff filed two requests for extensions of time to file her objections and ultimately was granted an extension until January 10. Her objections were not filed until January 13. On that basis alone, the Court would reject Plaintiff's objections. *See* Fed. R. Civ. P. 72(a) ("A party may not assign as error a defect in the order not timely objected to.") But also, objections to a magistrate judge's non-dispositive ruling must demonstrate that the magistrate judge's decision was clearly erroneous or contrary to law. *Id.*; *see also* 28 U.S.C. § 636(b)(1)(A). The "clearly erroneous" standard does not empower a reviewing court to reverse a magistrate judge's finding because it would have decided the matter differently. *See, e.g., Anderson v. Bessemer City, N.C.*, 470 U.S. 564, 573-74 (1985). Plaintiff fails to satisfy this standard.

Plaintiff filed this pro se civil rights lawsuit against Defendants two and a half years ago. It took Plaintiff almost a year to serve most of the named defendants with the Summons and Complaint, and this was accomplished only because of their waiver of service. Her failure to serve two additional defendants as of October 27, 2020, resulted in a show cause order for failure to prosecute. Her

failure to respond to the show cause order resulted in the dismissal of those defendants pursuant to Federal Rule of Civil Procedure 4(m).

Plaintiff conducted no discovery before the discovery cut-off date of July 28, 2021. Almost two months later, she moved for additional time to conduct discovery. As indicated above, she failed to comply with the time limits when seeking reconsideration of the decision denying her request and the deadline for filing objections to the magistrate judge's decision even after receiving an extension of time to do so.

In short, from the start of this litigation Plaintiff has engaged in undue delay and that delay is prejudicial to Defendants.

Accordingly, the Court **REJECTS** Plaintiff objections (ECF No. 52) to Magistrate Judge Stafford's decision denying Plaintiff's motion for reconsideration (ECF No. 47) and **AFFIRMS** Magistrate Judge Stafford's decision.

**IT IS SO ORDERED.**

s/ Linda V. Parker  
LINDA V. PARKER  
U.S. DISTRICT JUDGE

Dated: February 4, 2022

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, February 4, 2022, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan  
Case Manager